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PATENT

AMENDMENT A (IN RESPONSE TO PAPER NO. 5
(OFFICE ACTION DATED MAY 26, 2004))

REMARKS

Claims 1-17 are pending in this case. Claims 11 and 14 have been amended to correct typographical errors. Based upon the following remarks, it is respectfully submitted that claims 1-17 are allowable.

A. Declaration

The Declaration was cited as being defective for not identifying the citizenship or city and state of residence of the inventor. This is respectfully traversed in view of the application data sheet submitted herewith in which such information is provided.

B. §103 Rejection of Claims

Claims 1-3, 5-6, 8-10, 12-13 and 15-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Weigand, U.S. Patent No. 5,822,308 ("Weigand") in view of Levy, U.S. Patent No. 5,524,008 ("Levy"). This rejection is respectfully traversed.

It is respectfully submitted that the bases for the rejection of the claims as set forth in the Office Action do not adequately identify the issues and as a result do not provide a fair opportunity to reply to them. See M.P.E.P. 706.02(j). Only scattered uses of single terms or phrases from the claims appear. After reading and rereading the Office Action, not one instance was found where a full quote of any actual claim recitation appeared with a corresponding comparison made to a specific portion of the disclosure of one or more of the cited references.

Furthermore, the accompanying discussion of the cited references merely contains a "laundry list" of references to numerous elements purportedly disclosed by them but which do not even appear in the claims, and no explanation is provided as to how such elements relate to the presently claimed subject matter. For example, references are made to "routines", "building frame slots", "build

Atty. Docket No.: P04786 (11461.00.0074) - 5 -
CHICAGO/#1265102.1

09/
10/751,152

PATENT

AMENDMENT A (IN RESPONSE TO PAPER NO. 5
(OFFICE ACTION DATED MAY 26, 2004))

slots", "series of commands", and "enable and disable devices". None of these terms appear anywhere in the claims and, as noted above, no explanations appear about how any of these terms relate to the actual claim language.

Additionally, the term "low power consumption mode" is separately cited as being specified in claims 4-5, 8-9 and 11; however, such term appears nowhere in any of the claims.

Accordingly, it is respectfully requested that, if the Examiner, upon reconsideration, still considers the presently claimed invention to be unpatentable over the cited references, a second non-final Office Action be issued with a properly detailed presentation of the bases for the rejection of the claims so as to provide a fair opportunity for reply.

Any. Docket No.: P04786 (11461.00.0074) - 6 -
CHICAGO/#1265102.1

09/
10/751,152

PATENT

AMENDMENT A (IN RESPONSE TO PAPER NO. 3
(OFFICE ACTION DATED MAY 26, 2004))

C. Allowable Claims

Claims 4, 7, 11 and 14 were objected to as being dependent upon rejected base claims but were identified as being allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. It is respectfully submitted that until the issues regarding the base claims and any intervening claims are adequately identified, as discussed above, any rewriting of these claims to appear in independent form would be premature and may, in view of current case law, cause the scope of such claims to become unnecessarily limited.

D. Conclusion

Claims 1-17 remain pending in this case. Based upon the foregoing, it is respectfully submitted that these claims are allowable, and reconsideration and early allowance of these claims are requested.

Respectfully submitted,

VEDDER, PRICE, KAUFMAN & KAMMHOLZ, P.C.

Date: August 16, 2004 By: 

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Auy. Docker No.: P04786 (11461.00.0074) - 7 -
CHICAGO/#1265102.1